

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACQUELINE LASSITER,

Plaintiff,

v.

KIMBER ANDERSON, BRIAN GIBBS,
FLEET BANK

Defendants.

Civil Action No. 04-cv-10550-WGY

DEFENDANTS' MOTION TO FOR PARTIAL SUMMARY JUDGMENT

Defendants Kimber Anderson ("Anderson"), Brian Gibbs ("Gibbs"), and Fleet National Bank (incorrectly identified in Plaintiff's Complaint as "Fleet Bank") (Anderson, Gibbs, and Fleet are hereinafter sometimes collectively referred to as "Defendants") move pursuant to Federal Rule of Civil Procedure 56 for partial summary judgment as to claims alleged in Count I, paragraph 36(e) for violation of 42 U.S.C. §§ 1985 and 1986, for conspiracy to violate her civil rights.

As grounds for this motion, Defendants state that plaintiff, Jacqueline Lassiter, ("Plaintiff" or "Lassiter") cannot prove any set of facts upon which a reasonable fact finder could find in her favor and against Anderson and Gibbs on such claims for civil conspiracy. In further support of this motion, Defendants refer to the Statement of Material Facts and Memorandum of Law in Support of Defendants' Motion for Partial Summary Judgment filed with this Motion.

WHEREFORE, Defendants request that this Court allow their motion for partial summary judgment and dismiss Count I, paragraph 36(e) of Plaintiff's Complaint, for violation of 42 U.S.C. §§ 1985 and 1986.

**KIMBER ANDERSON,
BRIAN GIBBS, AND
FLEET NATIONAL BANK**

By their attorneys,

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Dated: March 31, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November, 2004, a copy of the foregoing document was served upon the following counsel of record for the parties via CM/ECF electronic mail and first class mail:

Winston Kendall, Esq.
Law Office of Winston Kendall
136 Warren Street
Roxbury, MA 02119

/s/ Siobhan M. Sweeney
Siobhan M. Sweeney

CERTIFICATE PURSUANT TO L.R. 7.1

I hereby certify that on this 30th day of November, 2004, I have conferred by telephone with counsel for Plaintiff, Winston Kendall, Esq. Of 136 Warren Street, Roxbury, MA with a view to narrowing the issues raised by this motion.

/s/ Siobhan M. Sweeney
Siobhan M. Sweeney